

**AFFIDAVIT OF SERVICE**

**UNITED STATES DISTRICT COURT  
Southern District of New York**

Index Number: 12-CIV-5025

Date Filed: \_\_\_\_\_

Plaintiff:

**CAPITAL ONE, NATIONAL ASSOCIATION**

vs.

Defendant:

**201 W. 134 ST LLC, et al.**

For:

Schiff Hardin, LLP  
666 Fifth Avenue, 17th Floor  
New York, NY 10103

Received by Lex-Serv, LLC (DCA # 1413475) to be served on **Gerald Migdol a/k/a Jerry Migdol c/o 201 West 134th Street LLC, 223 West 138th Street, Ground Floor, New York, NY 10030.**

I, Nicholas Kelly, being duly sworn, depose and say that on the **13th day of July, 2012** at **11:40 am**, I:

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in a Civil Action, Verified Complaint for Foreclosure of Mortgage and Enforcement of Guaranty with Exhibits** with "**John Doe**" at **223 West 138th Street, Ground Floor, New York, NY 10030**, the said premises being the respondent's place of **Work** within the State of New York. Deponent completed service by mailing a true copy of the within named document in a postpaid envelope addressed to: **223 West 138th Street, Ground Floor, New York, NY 10030** and bearing the words "Personal & Confidential" by First Class Mail on **7/13/2012** and placed in an official depository of the U.S.P.S. in the State of New York.

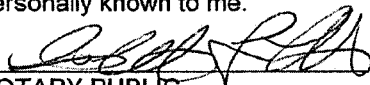
**Additional Information pertaining to this Service:**

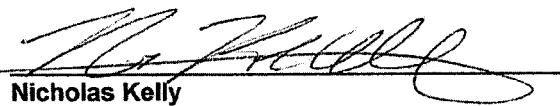
I informed "John Doe" when he refused to accept the above documents that I would be leaving said documents on the receptionist desk of the office located at 223 West 138th Street Ground Floor, Ny NY 10030.

**Description of Person Served:** Age: 40, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 170, Hair: Dark Brown, Glasses: N

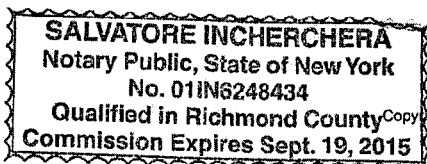
I certify that I am not a party herein, I am a resident of the State of New York and I am over the age of 18.

Subscribed and Sworn to before me on the 13<sup>th</sup> day  
of July, 2012 by the affiant who is  
personally known to me.

  
NOTARY PUBLIC

  
**Nicholas Kelly**  
1284490

**Lex-Serv, LLC (DCA # 1413475)**  
**211 East 43rd Street**  
**Suite 1804**  
**New York, NY 10017**  
**(212) 661-1180**  
Our Job Serial Number: LXS-2012001267



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No.: 12-CIV-5025

ATTORNEY(S):  
Schiff Hardin, LLP  
666 Fifth Avenue, 17th Floor  
New York, New York 10103

Plaintiff:

CAPITAL ONE, NATIONAL ASSOCIATION

vs.

Defendant:

201 W. 134 ST LLC, et al.

**AFFIDAVIT OF NON-SERVICE**

**STATE OF NEW YORK, COUNTY OF NEW YORK**

**Nicholas Kelley** being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State.

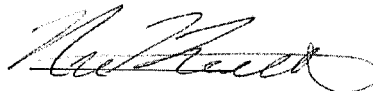
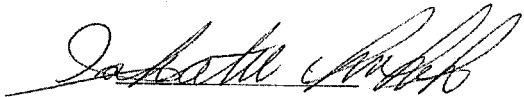
On July 19, 2012 at 11:00 am, at 2280 Adam Clayton Powell Jr. Boulevard, New York, NY 10030, deponent attempted to serve the within: Summons in a Civil Action, Verified Complaint for Foreclosure of Mortgage and Enforcement of Guaranty with Exhibits on: 201 West 134th Street LLC and on Gerald Migdol a/k/a Jeremy Migdol c/o 201 West 134<sup>th</sup> Street LLC. I was advised by a Male individual that the company now occupying said address was Baby Steps Home Visiting Program and he also advised me that 201 west 134<sup>th</sup> Street LLC had moved to 223 West 138th Street, New York, New York 10030 approximately 3-4 months ago.

Deponent also mailed a copy by regular mail bearing the words "Personal and Confidential" on July 19, 2012 made out to the following:

201 West 134th Street LLC  
2280 Adam Clayton Powell Jr. Boulevard  
New York, NY 10030

Gerald Migdol a/k/a Jeremy Migdol  
c/o 201 West 134<sup>th</sup> Street LLC  
2280 Adam Clayton Powell Jr. Boulevard  
New York, NY 10030

Sworn to Me on July 20, 2012



Nicholas Kelley

License #1284490

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Index No.: 12-CIV-5025

ATTORNEY(S):  
Schiff Hardin, LLP  
666 Fifth Avenue, 17th Floor  
New York, New York 10103

Plaintiff:

CAPITAL ONE, NATIONAL ASSOCIATION

vs.

Defendant:

201 W. 134 ST LLC, et al.

AFFIDAVIT OF NON-SERVICE

STATE OF NEW YORK, COUNTY OF NEW YORK

Daniel A. Levine being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State.

On July 20, 2012 at 7:25 am, at 6 Jordan Lane Ardsley, NY 10502, deponent attempted to serve the within: Summons in a Civil Action, Verified Complaint for Foreclosure of Mortgage and Enforcement of Guaranty with Exhibits on: 201 West 134th Street LLC and on Gerald Migdol a/k/a Jeremy Migdol c/o 201 West 134<sup>th</sup> Street LLC. I was advised by a female individual who opened the door to the premises above that Gerald Migdol had moved out 2 years ago and did not know his current address.

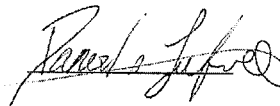
Deponent also mailed a copy by regular mail bearing the words "Personal and Confidential" on July 20, 2012 made out to the following:

201 West 134th Street LLC  
6 Jordan Lane  
Ardsley, NY 10502

Gerald Migdol a/k/a Jeremy Migdol  
c/o 201 West 134<sup>th</sup> Street LLC  
6 Jordan Lane  
Ardsley, NY 10502

Sworn to Me on

July 20, 2012



Daniel A. Levine

License #1240374